

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

v.

WAL-MART STORES, INC. and
WAL-MART STORES EAST, L.P.,

Defendants.

Civil No. 3:17-cv-00739-jdp

EEOC'S PROPOSED VOIR DIRE

Plaintiff Equal Employment Opportunity Commission ("EEOC") hereby submits proposed voir dire questions to supplement the Court's standard voir dire.

I. Existence of Relationship with Persons and Entities Involved in This Case

1. The EEOC is a federal agency. Have any of you ever been involved in any conflict or dispute with a state or federal government, including any agencies of a state or federal government?

a. If so, what was the nature of that difficulty or dispute?

b. Do you believe that despite this, you can still judge the merits of this case objectively and impartially?

2. Does any juror feel that he or she has any bias or preference for or against the federal government because of the nature of the charges or otherwise?

3. Have you, or a relative, close friend or employer, ever been the subject

of an investigation by any governmental body, whether it was an IRS audit, a criminal investigation, an employment security check or any other type of governmental investigation?

a. If so, what was the nature of the investigation?

4. Have you, any of your family members or close friends ever been employed by Walmart Stores? If so, please state who, when and the nature of their job with Walmart?

5. Do you feel that the EEOC or Walmart's involvement in this case will prevent you in any way from being a fair and impartial juror?

II. Juror Feelings About Anti-Discrimination Law

6. Do any of you have any objection to the federal law called the Americans with Disabilities Act (ADA) that makes it illegal for employers to discriminate against individuals on the basis of disability?

7. Do you think that the federal government should or should not be involved in enforcing laws against employment discrimination?

8. Do you think that the federal government has gone too far in regulating workplace behavior between employers and employees?

9. What are your attitudes, beliefs, feelings or opinions about people who claim that they were discriminated against by their employer?

III. Juror Feelings about Individuals with Disabilities

10. How do you feel that individuals with disabilities are treated by society in general?

11. How do you feel that individuals with disabilities are treated by employers in general?

12. Do you think that individuals with disabilities are entitled to the same employment opportunities as non-disabled workers?

13. Do you think an employer can fire, lay off or choose not to hire someone who is qualified to do a job because he or she is an individual with a

disability?

14. Are you disabled or do any of you have family members or close friends who are disabled?

a. Who, what, how does the disability affect them?

15. Have any of you ever worked with an individual who has a disability?

a. Was the individual receiving any accommodation to help him do his/her job?

16. Do any of you know a disabled person who has either requested or received accommodations from their employer?

a. What was the disability?

b. Was an accommodation requested? Provided?

17. Do any of you personally know anyone who is any of the following:

a. Developmentally disabled?

b. Intellectually disabled?

c. Autistic?

d. Deaf?

e. Blind?

Is the person who you know able to work? Do you think that they have any problems in their job because of their disability?

18. Have you seen, or do you know, anyone with a disability who worked with an assistant, such as a job coach or aide? What did you think about it? Did you have any favorable or unfavorable impressions of the employee with a disability?

19. Have any of you ever taken training classes or courses or watched a videotape that dealt with disability discrimination?

- a. What do you recall learning in the disability training?

IV. Juror Feelings on Work and Employment History

20. Have you ever been self-employed or owned a business?
21. Have you ever been a manager or supervisor in any current or previous job?
22. Have you ever recommended or been otherwise involved in the termination of anyone's employment?
23. Have you or a close family member ever served as an owner, officer, manager or supervisor for a business, or had responsibilities for the hiring, promotion, demotion, or firing of employees?
 - a. What position did you or your close family member hold and what was the nature of the business?
 - b. What experiences have you had involving the hiring of employees?

V. Juror Feelings About Reaching a Verdict

24. Do you have any opinions or beliefs that would prevent you from rendering a verdict in favor of the EEOC if the evidence and law warranted such a verdict?
25. If you find that Walmart violated Paul Reina's federal rights, you'll be asked by the plaintiffs to award a separate amount for what are called compensatory damages, which are damages for injuries that are not tangible or easily measured, such as emotional pain, suffering, mental anguish, humiliation, embarrassment, and loss of enjoyment of life. If, at the completion of the trial, the Judge instructs you that if you find the defendant liable, these monetary damages may be awarded, is there anyone who would be unable to do so?
26. Is there anyone who thinks that because many other things in life can cause us stress, a person should not recover compensatory damages for being discriminated against?

27. Does anyone think that being fired from a job could not cause anxiety or emotional distress to a person?

28. There has been some publicity about jury awards and there has been some controversy about awards being too high. Have you ever thought that juries award too much money to people for injuries whether psychological or physical?

Dated: September 6, 2019

By /s/ Laurie Vasichек

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